



IDAHO DEPARTMENT OF PARKS & RECREATION

MINUTES

for
February 16-17th, 2006
Quarterly Board Meeting

Idaho Department of Parks and Recreation
Headquarters
Boise, Idaho

IDAHO PARK AND RECREATION BOARD MEETING
February 16-17, 2006
Idaho Department of Parks and Recreation Headquarters
Boise, Idaho

Chair Jean McDevitt began the Board meeting at 8:15 a.m. February 16, 2006, at the Idaho Department of Parks and Recreation Headquarters' Summit Room, Boise Idaho, with the following Board members attending:

Jean McDevitt Chair, Pocatello
Randal Rice Vice Chair, Moscow
Ernest J. Lombard, Member, Eagle
Latham Williams, Member, Ketchum
Steve Klatt, Member, Sandpoint

Also present during all or a portion of the meeting were the following individuals:

Robert Meinen, Director
Dean Sangrey, Administrator of Operations
Jane Wright, Financial Officer
Jan Johns, Administrative Assistant
Steve Frost, South Region Manager
David White, North Region Manager
Garth Taylor, East Region Manager
Dave Ricks, Division Administrator – Management Services
Michael Orr, Deputy Attorney General - Natural Resources Division
Rick Just, Coordinator – Comprehensive Planning
Kathryn Hampton, Coordinator – Volunteer Services
Betsy Johnson, Human Resource Officer
John Crowe, Planning Supervisor
Kelly Burrows, Planner
Connie Vaughn, Planner
Jennifer Wernex, Manager - Communication Program
Tammy Kolsky, Management Assistant - Reservation
Rick Cummins, Special Project Coordinator
Dennis Coyle, Park Manager - Ponderosa State Park
Rick Brown, Park Manager - Lake Cascade State Park
Brian Miller, Supervisor - Grant Program
Jill Murphy, Grants Specialist - South Region
Gene Pace, Idaho State Historical Society
Bill Hallock
Barry DeWayne
Scott Turlington, Tamarack Resort
Dr. Tom Truskey, Director - Center for the Book
Tom and Christina Angell, Halo Outfitters
Kevin and Deborah Little, Dry Ridge Outfitters
Sharon Akers, Custer County Memorial Veterans

IDAHO DEPARTMENT OF PARKS AND RECREATION

“To improve the quality of life in Idaho through outdoor recreation and resource stewardship.”

**Board Meeting
February 16-17, 2006
IDPR Headquarters
Boise Idaho**

AGENDA

February 16th Thursday

8:15 a.m. Call to order

- Welcome Guests
- Additions or Deletions to the Printed Agenda
- Approval of the October 17-18, 2005 Board Minutes and the November 15th, 2005 Teleconference Board Meeting

8:20 a.m. Bill Hallock Appreciation

8:30 a.m. Public Forum

8:47 a.m.

Workshop

Review of Agenda *Information Only* Items

- Development Project Status
- Region Manager Reports
- 2005 Year-to-Date Visitation Report
- 2006 Senior Discount Implementation

10:49 a.m. Board Members' Reports

11:17 a.m. Attorney General's Report

11:25 a.m. Director's Report

- John Crowe Appreciation
- Communication Update
- JFAC Presentation Update
- Experience Idaho Update
- Legislation and Rules Update
- Trail of the Coeur d'Alenes Negotiation Update
- Personnel Vacancy Update

11:45 a.m. Break

Noon Working Lunch Executive Session- Under authority of Idaho Code 67-2345

**Sub-section (c) an executive session may be held to discuss
personnel, acquisition of private lands, and/or litigation**

2:27 p.m. Castle Rocks State Park Master Plan Review and Approval

2:50 p.m. Projections for New Park Managers' Housing

3:04 p.m. Cabin Business Plan

3:24 p.m. Board Park Specific Fees Adjustments

3:51 p.m. Custer County Veterans Memorial Proposal

4:45 p.m. Review of the Reservation System

4:55 p.m. Recess

5:15 p.m. Tour of Camis Reservation Call Center

6:30 p.m. Dinner at Jaker's Restaurant

February 17th Friday

8:05 a.m. Board Meeting Reconvenes

8:07 a.m. Review of the Reservation System and Website

8:15 a.m. Appointment to Region 6 RV Advisory Committee
8:25 p.m. Review of Annual Passes for Volunteers
8:47 a.m. Harriman State Park Horse Concession
9:35 a.m. 2006 2nd Quarter Financial Statement
Year-to-Date Revenue Comparison
9:55 a.m. Lake Cascade State Park Concession Agreement
10:00 a.m. Break
10:15 a.m. Review of 30% Cap on WIF for Counties
Adjourn

February 16th, 2006

8:15 a.m. Chair McDevitt called the meeting to order.

8:17 a.m. Chair McDevitt welcomed IDPR's guests.

8:10 a.m. Chair McDevitt discussed the revisions to the agenda. Chair McDevitt requested that the following agenda items be moved:

1. **Cabin Business Plan** be presented before the Castle Rock State Park Master Plan Review and Approval
2. **Review of 30% Cap on WIF for Counties** be moved to the last item on the agenda for the following day and move it out of the *Discussion of Action Items* and consider it an *Information Only Item*.

Mr. Klatt requested that the **Review of 30% Cap on WIF for Counties** be left as an *Action Item* on the Agenda. From the comments Mr. Klatt has received from Kootenai County constituents on this agenda item, he believes that it is appropriate to leave the review as such. Chair McDevitt said that she wanted the review to be the last item on the agenda as it is listed as an *Information Only* item and should not be considered as an *Action Item*.

Discussion followed.

Mr. Klatt asked to go on record, stating that he believed that it should be considered an *Action Item*.

8:15 a.m. Approval of the October 17-18, 2005 Board Minutes and the November 15, 2005 Teleconference Board Meeting

Mr. Williams moved to amend the agenda on the Call to Order to include the approval of minutes of the November 15th 2005 Teleconference Board meeting. Mr. Klatt seconded the motion. Chair asked for further discussion. Hearing none, the Chair asked for a vote on the motion. All votes were cast in the affirmative. The motion was passed.

Chair McDevitt had two corrections on the October 17-18th 2005 Board meeting on page 4 and page 6.

8:17 a.m. Mr. Lombard moved to approve the October 17-18th 2005 Board minutes. Mr. Rice seconded the motion with the amendment to the motion to include "as modified." The Chair asked for further discussion. Hearing none, the Chair asked for a vote on the motion. The motion was passed with Mr. Williams abstaining.

8:19 a.m. Mr. Lombard moved to approve the minutes of the November 15th 2005 Teleconference Board meeting. Mr. Williams seconded the motion. Chair asked for further discussion. Hearing none, the Chair asked for a vote on the motion. All votes were cast in the affirmative. The motion was passed.

8:20 a.m. Bill Hallock Appreciation

Director Meinen acknowledged Mr. Bill Hallock for his service to the RV Committee. The Director presented Mr. Hallock with a Distinguished Citizen Award for his 20 years of service to IDPR and RV users of the state. Director Meinen noted that an IDPR Lifetime Pass would be presented to Mr. Hallock.

8:30 a.m. Public Forum

Mr. Gene Pace of the Idaho State Historical Society addressed the Board discussing the potential partnerships between IDPR and Idaho State Historical Society. Mr. Tom Truskey presented information on author Vardis Fisher of the Hagerman Valley. Mr. Truskey asked the Board to consider naming the Billingsley Creek area the "Billingsley Creek Unit and include a Vardis Fisher Unit."

8:47 a.m. Development Project Status

Director Meinen reviewed various projects, noting that projects were being moved forward at a steady rate with several projects being completed. Mr. Rice asked the Director under whose authority can monies be moved from one project to another and how often is that done. The Director responded that the authority lay with the Director and the Division Chief of Planning and Development. Mr. Rice asked what the status was on replacing the Development Bureau Chief position. Director Meinen said that staff feels that the money for that position should be put into the people who work on the ground, letting Mr. Ricks manage the projects both administrative and operational. IDPR has been understaffed with technical people who can engineer and monitor these projects enabling them to be completed. There are only two choices: going back to having a hierarchy with a paid manager or hiring top-notch professionals and expedite the projects. The development chart shows that projects can be done with this system. Mr. Klatt asked for a clarification of the plan that is to be in place for personnel. Director Meinen responded that more personnel i.e. engineers and architects and have Mr. Ricks supervise the Development Division as well as the Financial Division. Mr. Klatt asked that an organizational chart to be presented. Director Meinen responded that by hiring the best people we can and using them in the most effective way, the staff needs the freedom to do that.

Discussion followed regarding the monetary overage on projects. Mr. Rice asked at what point, monetarily, should the Board be informed, make recommendations and give guidance to staff. Mr. Klatt suggested that guidelines be presented at the next Board meeting that could be both specific amounts and/or percentages.

9:39 a.m. Region Manager Reports

North Region Report

Mr. White updated the Board members on the Old Mission Visitor's Center. Beginning of this year, the project was \$500,000 short towards building the Visitor's Center. The Sacred Encounter's Board Members meet with the Coeur d'Alene Tribe. The Tribe is supportive of this project and verbally committed to \$300,000 toward the project. Harry Magnuson of Silver Valley has made a \$100,000 commitment, leaving the balance approximately \$140,000 short. Staff will continue work in the next 60 days, getting the needed approval of Idaho Department of Transportation. If the shortage is not covered by the end of the 60 days, the Sacred Encounter's Group will take out a short-term loan, allowing the project to go forward as planned.

South Region Report

Mr. Frost responded to the request from the Board members on the activities taking place at the South Region office. Mr. Frost said that the staff had been spending a good deal of time on Experience Idaho. He said that he had personally been spending time on Compliance training at Post Academy, which was taking place the following week.

East Region Report

Mr. Taylor shared that the East Region office focuses on budget for the Region, making sure that the monies are being spent accordingly. The Regional office also works closely with the Development Division. Mr. Taylor had given 18 presentations on Experience Idaho. He is currently involved in coordinating the following teams: work place safety team, accident incident reporting, and collection

management program involving archiving heritage items. These teams are working on converting hard copy to electronic files. Mr. Taylor is working with a grassroots projects for the Lost River Trail.

Chair McDevitt asked the three Region Managers how the response has been to Experience Idaho. All expressed that Experience Idaho had been well received and the tools/ visual aids that staff had created had been excellent to use. Chair McDevitt directed the Region Managers to contact their county commissioners and suggest that a letter writing campaign to the JFAC members be started, asking them to show their support to the Experience Idaho Initiative. Mr. Taylor asked for direction from Director Meinen, as State employees are not allowed to lobby.

10:25 a.m. 2005 Year-to-Date Visitation Report

Mr. Sangrey updated the Board on year-to-date visitations for the parks. Discussion followed regarding the accuracy of visitation numbers (tracking systems and formulas) compared to actual revenue. Mr. Sangrey said that the numbers for visitation are becoming more accurate and in line with the revenue reports.

Mr. Klatt discussed his concerns regarding the tour boat *Idaho*. He pointed out that visitation was rising at Heyburn State Park but the revenue from the tour boat had decreased. He was also concerned about the decline of visitation to the IDPR's Interpretive Centers. Mr. Klatt suggested that the Board think about dedicating funds to create a library of interpretive displays and programs that could be rotated throughout the Interpretive Centers. The Interpretive Centers seemed to have become static with limited staff to manage and maintain the displays. Mr. Klatt believes that it is the responsibility of the Board to give staff direction. Mr. Rice concurred with Mr. Klatt's concerns. Mr. Rice suggested that the Board needs to reserve one day for a workshop to address these issues. Mr. Rice said he thought it was vitally important to sit down with some type of controlled approach and look at the many issue as the numbers are now allowing the Board to make informed decisions.

Discussion followed.

Director Meinen suggested that a full day at the Summer Board meeting in Orofino be devoted to these issues.

10:40 a.m. 2006 Senior Discount Implementation

Mr. Sangrey discussed the establishment of 62 years of age as the eligibility for qualifying for the Senior Discount. There were no further questions from the Board.

10:49 a.m. Board Member Reports

Mr. Klatt reported that he had met with both Kootenai County Commissioners and the Coeur d'Alene Tribe regarding grants.

Mr. Lombard reported that he had been attending transportation committee meetings serving as a liaison for the parks.

Mr. Rice said that he had received mail from the Moscow area regarding a piece of property located on Moscow Mountain. This piece of property has been under lease to The Nature Conservancy over the past ten or so years. The lease is due to expire at the end of 2006. Mr. Rice deferred comment to Director Meinen.

Director Meinen said that the Moscow Mountain is a unique site consisting of an old grove of cedar trees that has been preserved. The original intent was to have some type of land exchange and the area be put into a land trust or some type of park, having it preserved in perpetuity rather than being an endowment piece of land. The Nature Conservancy has notified the Land Board that they are not going to renew their contract and that's what has generated the interest. The question rose during the JFAC tour as to whether or not this should be a state park. Director Meinen said that he did not believe that this area should be a state park. With that being said, it didn't mean that the agency did not care about it. The agency cares a

lot about that area but there are several major issues to consider. The Department of Lands will not be giving it to IDPR free and the adjacent property owners feel this property was to become a state park, their lives would be greatly affected by the visitation. Director Meinen said that he had been in contact with The Nature Conservancy as well as local advocates and they are in agreement that it should be in some type of long-term land trust, a local park, i.e. county park so it can be preserved but not overrun with facilities and people. Director Meinen said that he tended to agree with them and has told the Governor's office as well as The Nature Conservancy and local interest groups that if for some reason state parks held the title to this property that the agency would work cooperatively with the local group to take care of the management of the land. The Governor's office has put it on the Land Board agenda for consideration.

Mr. Rice said that he personally agreed with the Director's thoughts on the issue.

Mr. Williams updated the Board and staff about the proposed ATV loop in Region 4. He said that the ATV loop had strong support from the Challis and Mackey constituents but opposition to a comprehensive loop remained high in Blaine County, particularly the spur loop that was proposed for Copper Basin. Mr. Williams said that he encouraged staff and Director Meinen to pursue and implement a smaller trial loop before embarking on the comprehensive plan.

Mr. Sangrey said that all the stakeholders involved in the ATV loop are focusing on a smaller loop around the communities.

Mr. Williams asked if the Department was officially no longer pursuing the idea of the large coordinated loop project that was originally proposed on maps, press releases and discussions around the communities. He said if IDPR was not pursuing the original concept, he encouraged that an announcement be made to that effect. Mr. Williams asked once again for clarification on Mr. Sangrey's comments.

Mr. Sangrey responded that it was IDPR's expressed intent not to pursue the larger loop. He said that staff has encouraged the local communities to follow up, thus eliminating IDPR's role.

Mr. Williams said that the public needed to know this and a press release should be sent out clarifying our position.

Discussion followed.

Mr. Williams reiterated that IDPR needed to let the public know where the agency stood on the original intent of the ATV loop, whether it is an interview with the local newspaper or press release.

Chair McDevitt said that she had been visiting with legislators on Experience Idaho. She also had been reviewing the personnel report for the agency.

Ms. Johnson said she was asked by the Board Chair to put together a list of new hires and promotions within the last six months.

11:17 a.m. Attorney General's Report

Mr. Orr said that Attorney General's office for Natural Resources was working on 31 matters, either new or continuing since the last Board meeting. Mr. Orr gave a general overview and examples of some of the items he and staff were working on. He said that he would be working on a few proactive projects including developing form leases, stock provisions for memorandums of agreements, and document preservation policy for parks.

Mr. Williams asked for an update on the Ashton-Tetonia Trail.

Discussion followed.

11:25 a.m. Director's Report

Director Meinen recognized Mr. John Crowe for his long-term dedication to IDPR. Director Meinen discussed the Experience Idaho campaign and coalition and how well it had been received. The JFAC presentation follow-up is under way by responding to the questions that were asked at the presentation.

Discussion followed.

Director Meinen updated the Board regarding the current legislation. The two pieces of legislation that were vetoed last year have been re-introduced into committee. Staff does not anticipate any major problems with the bills being passed again by the Legislators and signed by the Governor. In addition, Mr. Sangrey had a productive work session with the sub-committee of the House members on rules. The committee recommended that the rules go forward as presented.

Director Meinen gave an update about Trail of the Coeur d'Alenes and the money being held in trust by the railroad agreement. A meeting took place with the members of the Coeur d'Alene Tribe and the Director resulting in a commitment from the Tribe that they would go back and work with their attorney to keep things moving. As of yet, the Director had not received any information from the Tribe. Mr. Klatt said that he did have a conversation with Senator Joyce Broadsword. She had seen Chief Allen of the Coeur d'Alene Tribe who reassured her that things would move forward.

Director Meinen discussed CEC and agency vacancies. He said the IDPR lagged approximately 24% behind private market on payment of salary. The turnover rate for jobs was quite high within the agency. Ms. Johnson pointed out that part of the reason for higher turnover rate is due to a higher amount of employees retiring.

2:27 p.m. Castle Rocks State Park Master Plan Review and Approval

Mr. Burrows introduced Dan Baird of Beck & Baird, a master plan consultant group. Discussion took place on the background on Castle Rocks State Park as well as the various timelines and processes that the agency has gone through to create the master plan. Chair McDevitt complimented Mr. Burrows on the well-crafted master plan and asked that when the final document is presented to the Board that an index of changed items be included.

Discussion followed.

2:48 p.m. Mr. Klatt moved that the Board approve the draft master plan of Castle Rocks as presented for further review at the spring meeting in Burley. Mr. Lombard seconded. The Chair asked for further discussion. Hearing none, the Chair called for a vote. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

2:50 p.m. Projections for New Park Manager's Housing

Chair asked for any further information that was needed for the funding for park manager's housing. Mr. Klatt asked if plans were being developed for housing that would be improved and still not be occupied by a staff. Is there a temporary plan being considered?

Discussion followed.

Mr. Klatt said that should this be funded, a serious plan would be needed. He asked that staff come back to the Board with a plan of options for building houses within the park, what different styles would be considered as well as locations and ask for the Board's approval.

Mr. Lombard pointed out that many of the parks are rural and that construction in those areas will be more costly as the tradesman have to travel to the location and this could be problematic. He suggested that staff find a good high quality relocatable modular housing unit that meets the architectural criteria.

3:04 p.m. Cabin Business Plan

Mr. Ricks discussed the various features/options that were available in camper cabins as well as the need for correct placement. Discussed also was the concern of staff maintaining the cabins as well as the daily housekeeping issues with larger cabins.

Discussion followed.

3:20 p.m. Mr. Rice moved that the Board accept the staff recommendation contained within the plan as presented. Mr. Lombard seconded the motion. Mr. Klatt asked for a point of clarification. The Chair asked for any more discussion. Discussion followed regarding location of camper cabins within the parks. Mr. Lombard asked for the question. Madam Chair asked all in favor of the motion signify by saying aye. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

3:24 p.m. Park Board Specific Fee Adjustment

Mr. Sangrey discussed the changes that staff was asking the Board to approve. These are adjustment to the fees for the Thimbleberry and Buttonhook-Larch, Oceanspray and Saw-whet group campgrounds at Farragut State Park as well as the establishment of a standard cleaning/damage deposit fee not to exceed \$275.00 at the five locations that assess this type of fee. (*see Attachment 1*). Mr. Sangrey also discussed the recommendation by staff for the clarification that the Admission Fee for Educational Opportunity currently set at \$10.00 in IDAPA, be established as a \$10.00 maximum fee in the Board Policy Statewide Fees.

Discussion followed.

3:40 p.m. Mr. Rice moved that the Board accept the recommendations included in Board Park Specific Fee adjustments and that staff be directed to address issues of interpretation and clarity with regards to several issues that were discussed. Mr. Klatt seconded the motion. The Chair called for further discussion. Chair called for the question. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

3:42 p.m. Chair McDevitt asked for a motion to move the Board items *Custer County Veterans Memorial Proposal* and the *Review of the Annual Passes for Volunteers* to the following morning so that the Board could review the reservation system and participate in the scheduled tour of the reservation call center.

3:45 p.m. Mr. Lombard so moved. Mr. Klatt seconded the motion. The Chair called for further discussion. Chair called for the question. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

3:47 p.m. Mr. Sangrey informed the Board that Ms. Sharon Akers was waiting to present information regarding the Custer County Veterans Memorial Proposal.

3:49 p.m. Mr. Williams moved to put the Veterans Memorial Proposal back on the immediate agenda. Mr. Klatt seconded the motion. The Chair asked for all in favor say aye. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

3:51 p.m. Custer County Veterans Memorial Proposal

Ms. Akers of the Custer County Memorial Veterans Association addressed the Board regarding the placement of a veteran's memorial on the grounds at the Visitor's Center of Land of the Yankee Fork.

Discussion followed.

4:12 p.m. Mr. Klatt moved that the Board approve this proposal and to proceed, based on the fact that it is a Veteran's Memorial based on mining heritage in conjunction with the mining heritage in our Yankee Fork museum in the design for the exterior grounds and for those reasons alone, we

consider that an appropriate use for a state park and a memorial. Mr. Lombard seconded the motion. The Chair called for discussion. Discussion took place on the following matters:

- Agency policy on placement of memorials
- Custer County Commissioners approval of the Memorial
- Time limits
- Upkeep and placement of the Memorial
- Informational brochures related to the Memorial

Mr. Williams said that if the Board made the motion condition upon—if the Board chose to make the motion, not saying that the Board was willing to amend the motion but if the Board did, he asked that the motion be amended subject to approval of this location by the Custer County Commissioners.

Klatt asked to attach the additional conditions to the original motion:

- Upon the IDPR's Development Bureau review and approval of design, a 36-month time limit be set on funding for the beginning of construction
- The agency is to receive a letter of support for the Memorial from the Custer County Commissioners
- An overview of the mining interpretive element of the Memorial for Board's review
- Direction to staff to work towards Board Policy guidelines for memorial placements within the state parks.

Mr. Lombard said the seconder agrees. Discussion followed. Mr. Klatt asked for the question. The Chair asked for all those in favor say aye. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

Discussion followed.

4:45 p.m. Reservation System Update

Ms. Kolsky discussed the Camis Reservation system and the outcome of "going live." She also shared the different types of queries that were available in the system.

4:55 p.m. Meeting recessed.

February 17th Friday

8:05 a.m. Meeting called to order.

8:15 a.m. Review of the Reservation System and Website

Ms. Wernex gave the Board a tour of the new IDPR website in conjunction with Ms. Kolsky giving additional information about the reservation system.

Discussion followed.

8:25 p.m. Review of the Annual Passes for Volunteers

Director Meinen asked the Board to approve issuance of an annual pass to volunteers who contribute a minimum of 100-hours per year. This includes those volunteers who live and work in the park as campground hosts, those who provide education programming, volunteers who assist with maintenance tasks, or those people who are donating their unique skills and/or talents to the department.

Discussion followed.

Mr. Lombard said that he felt that the advisory committee members should receive a free 2-day camping pass and asked that this be considered.

Madam Chair said that it should be brought back to the May meeting as an agenda item.

8:31 a.m. Mr. Klatt moved that the Board accept staff recommendation that the Board offer passes to our volunteers per the guidelines that were recommended. Mr. Lombard seconded the motion. Chair asked for further discussion. Mr. Williams asked if there was a proposal to amend the motion to include whatever Ernie would like—Mr. Rice said that why didn't they make another motion. Mr. Williams said it is not on the agenda as a new item of business. Chair said that it did have to do with this motion so it could be a subset. Mr. Williams said fine. Director Meinen said that the easiest way to do this was to let staff address it. We need to be really clear on what committee members the Board is talking about. The agency has a whole range of committee members that help advise our organization and the Director was concerned on how wide-sweeping the motion intentions are. Mr. Lombard said that they would not make it very wide-sweeping. Director Meinen said how far does it go. Director Meinen recommended that Board deal with this today and in May staff could come back with a recommendation for advisory committee members. If it is specifically for the RV committee that helps staff narrow it down. Staff can come back with a recommendation on that. Chair said that there was a motion before them. Mr. Lombard called for the question. Chair asked for all in favor. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

8:33 a.m. Mr. Lombard moved that the Board extend annual day passes to all the RV committee members. He said that he thought it was essential for those guys to be able to come in and out of these parks in addition to those two nights of the camping thing. There are only six of members and he thinks it's essential that the advisory members have that option. Mr. Klatt seconded the motion. Mr. Williams asked if it was an annual pass. Mr. Lombard responded that yes it was just an annual pass. Chair asked if it meant no camping. Mr. Lombard said no that it didn't change the camping or anything, he said this is in addition to where they are now. Chair asked for further discussion. Mr. Lombard asked for the question. Chair asked for all in favor. All members voted aye. Motion was passed unanimously.

8:34 a.m. RV Advisory Committee Appointment for Region 6

Chair asked if Mr. Hancey had any recommendations. Director Meinen responded that Mr. Ricks would respond to the question. Mr. Ricks asked that Mr. Jack Fry be reappointed to the Region 6 Recreational Vehicle Advisory Committee position.

8:35 a.m. Mr. Lombard moved that the Board accept staff's recommendation and reappoint Mr. Fry to the Region 6 RV Advisory Committee position. Mr. Rice seconded that motion. Chair asked for any further discussion. Hearing none, the Chair asked for the vote. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

8:37 a.m. Harriman State Park Horse Concession Permit

Mr. Taylor said that on August 31, 2005, IDPR advertised the concession opportunity with a deadline submission on September 30, 2005. Two proposals, one from Halo Ranch Outfitters and one from Dry Ridge Outfitters were received. A criterion was used to rate each proposal and Dry Ridge Outfitters scored the highest. They had made a more comprehensive proposal and proposed a higher percentage of return to IDPR for the long-term. Mr. Taylor asked that the Board accept staff recommendation to accept the proposal from Dry Ridge Outfitters and direct the large concession permit per the submitted proposal for up to ten years.

8:39 a.m. Mr. Williams moved to accept the proposal from Dry Ridge Outfitters and direct a large concession permit per the submitted proposal for up to ten years. Mr. Lombard seconded the motion. The following discussion ensued:

Chairman McDevitt: Ok.

Mr. Angell: Madam Chair, may I speak? Is that out of order?

Mr. Sangrey: Just a second Tom.

Ms. Johns: Who seconded that motion, please?

Chairman McDevitt: Mr. Lombard seconded it.

Board Member Lombard: Yes, so now we can--

Chairman McDevitt: Ok, yes so now we can--

Board Member Lombard: You can now.

Chairman McDevitt: Yes we can now. Would you identify yourself? I don't have your--

Mr. Angell: My name is Tom Angell. I'm use to driving in Fremont County. I was told to be here at quarter to eight. I made it at quarter after, thanks to Boise driving facilities situations. I would like to address the Board if I may? We have been this concessionaire-- it has been in the Angell family since this Island Park, excuse me, since the Harriman State Park opened to the public. There has been no concessionaire except the Angell family. It was sub-contracted for one year. My personal family took it over and we have ran it since. It has come to our attention that we have another competing bidder against us, which each five years we have had to renew our contract. We've also been told--we've been told always before that we have the right to match as we were the --the holding concessionaire-- we had the right to match the next highest bid if we were out bid. Knowing this, we have went to-- well I have a letter I would like to read to you. May I read this letter at this time? Madam Chairman? I was given a letter Wednesday. The letter was handed to me by Mr. Sangrey explaining that I did not have that right to take the first-- to match next highest agreement. This is the first time we have been told this. I assumed when I submitted my bid proposal-- on that bid proposal I stated that I would match the next highest bid and as far as making changes, I would be glad to accept any changes that were made. This was designed-- we had to have our bid proposals in last fall and in a business such as mine, the preparations for it are immense. I will read this letter. This is addressed to Mr. Sangrey. It is response to the letter he gave me. The letter is a response to the letter that I received from you on February 15th, 2006. I am writing you this letter at my son's home in Nampa therefore I cannot reference the section or paragraphs of the expired agreement. My files in my office in St Anthony but if my memory serves me correctly, the current bid proposal the original deadline for submission was September 15th and the subsequent notification of successful bidder was October 1st. Knowing that we had right to match any competing proposal, after being reassured by Keith that we had the right to match any competitive bid and still be the concessionaire and after the original scheduled date for the IDPR to make their decision had past, we started making plans for the coming year. A business such as our requires large amount of early preparation for each years operations. Most of these preparations are unrelated and in some cases, these preparations need to made before January 1st. We, without hesitation, made the usual preparations. I've listed some of these. We licensed with the Outfitters and Guides. We hired our wranglers, guides and office help. We paid for our yellow page advertising. We join the Chamber of Commerce Rexburg to West Yellowstone. We updated our forest services permits. We did extensive Internet advertising. We hired a person full time to use the Internet. The Internet is the going way now. Most of our reservations are made by Internet. Our website because of dedicated-- our website using the key words drive horses or Yellowstone horses or island park horses. Our website comes up number one in all search engines, Goggle, Alta Vista all of them brings up Halo Ranch Outfitters number one. That is because of the extensive work we put into it. Ok to move back to the letter. I'm sorry. Webpage maintenance including bi-weekly search engine submissions. Liability insurance, a very expensive item. Renew our contract with our Internet provider. Maintain a business phone. Feed forty head of horses through the winter. Order tabletop advertising for eating establishments and motels. Those are those little plastic things that you see set out on the tables and so forth that have

to be made six months in advance. We purchased ads in tourist magazines and we purchased our operation bond. This is all on the trail that needs to be done previous to this point-- point. I mean, when you get past January, this-- those of you-- probably-- and as I listen to the comments, I think most of you are Internet conscious people, I think you know what we're talking about. This is very necessary to do these things early, very early. Ok. Your February 14th letter stated that the IDPR evaluation of our operations identified one significant problem, an August 6th altercation between myself and a Mr. Scott Hahn. I will assume that you have read the details of the confrontation and aware fully aware that Mr. Hahn fully initiated the altercation. Later, Mr. Hahn pressed charges against me for battery and after visiting with legal counsel, we were advised to plead innocent to the battery charge and press charges against Mr. Hahn for assault. The legal counsel said that my battery citation would mostly likely be dismissed. However, after visiting with the prosecuting attorney, I chose to follow his advise and plead guilty to disturbing the peace. I was told that pleading guilty would allow the judge to designate a specific amount of restitution and to be paid and thereby eliminate the possibility of Mr. Hahn asking for an astronomical amount of restitution or holding things against Harriman State Park. A few weeks ago, Mr. Hahn's insurance company sent a claim for his x-rays at the community care. It was a claim we paid for earlier. We had already sent Mr. Hahn a check covering the x-rays as well as his office visit. After searching, we could not find the canceled check. We then contacted the prosecuting attorney and they, in turn, contacted Mr. Hahn and found that he had torn our check up. The prosecuting attorney assured Mr. Hahn that the 990 that we were paying him, which was assessed as the payment for the infraction-- disturbing the peace infraction, they assured him that his insurance claim would be taken from that. On Monday, the 2nd, that was last Monday, we again contacted the prosecuting attorney's office and were told to go ahead and pay the 990 which we did and I asked if Mr. Hahn could still send a bill to Harriman State Park and was told that it was now pass the statute of limitations and the 990 would be the end of it. With this letter in mind, I would like to expound upon--

Chairman McDevitt: Mr. Angell, I don't want to interrupt you here but I want you to understand that when the Board makes these decisions on the proposal, these things really are not-- it may have some bearing but what we really are going on is what is in here-- what is going to be proposed within our parks and what the return is to us and the services that are going to be performed to our customers and that is what we base our decision on more than anything else and we really don't want get into other things

Mr. Angell: I appreciate what you are saying. I would like your permission to call on Mr. Sangrey to bring up my existing--contr--permit. Could you-- would you have that in front of you? Could you obtain that where I can read the existing concessionaire. In fact, maybe you could tell the Board that the existing concessionaire has the first right to match all these other bids if he has met the conditions and if there have been no problems that have been discovered. We have not been notified--

Chairman McDevitt: I think that is in IDAPA rules and I don't remember seeing it--

Director Meinen: Tom's talking about the specific contract language in the existing agreement that's what he's pointing to and I believe Michael has that and can give--

Mr. Angell: I appreciate that.

Chairman McDevitt: Would you please let our attorney-- do-- reading that?

Mr. Angell: I'm sorry.

Mr. Orr: Why don't you point to the one that you--

Chairman McDevitt: Then he can make the comments that are appropriate.

Mr. Orr: Madam Chair and Members of the Board, what I would like to do is read the paragraph the Harriman State Park Horse of Idaho Horse Concessionaire Agreement, a paragraph, which Mr. Angell pointed-- requested. This is in section one, paragraph one. Term of agreement-- Terms of this agreement shall be for five seasons beginning in 2000. At the end of this term of this agreement, an evaluation will be made of the concession operation by the state and a new agreement may be drafted. This is the language I believe that I'm about to read that Mr. Angell ((directed)) If the concessionaire has meet all the

terms of this agreement, and no problem areas were discovered, the concessionaire will have the first right to accept or refuse the new agreement such term state at full discretion may specify. Period. End of the paragraph.

Board Member Williams: Is this standard in all our concessionaire agreements or is it particular to this agreement?

Mr. Orr: Madam Chair, Board Member Williams, I don't know. I haven't seen enough of our concession agreements to speak to it-- so I really can't-- can't answer that question. I don't know.

Board Member Williams: In you your mind, is that-- how do you read that language vis-à-vis as to what we are being presented as a Board?

Mr. Orr: The question if I understand is what does this clause mean to which Mr. Angell is referring.

Board Member Williams: Correct.

Mr. Orr: My interpretation is that it creates a conditional right of first refusal. If the conditions are met, the right of first refusal ripens and becomes legally enforceable.

Board Member Williams: And is it you understanding that he has been given his right to exercise that right or has that right been usurped by this process in which we are being asked by staff to recommend a different proposal that he has not been able to meet the terms of?

Mr. Orr: Madam Chair, Members of the Board, in my opinion, the conditions have not been matched. The right has not ripened into existence.

Board Member Lombard: I'm not sure I understood your answer.

Chairman McDevitt: Ok, so in other words, because we went out for bid the lease was not automatically offered back because some of the conditions were not met-- that they wanted to go back with and offer that lease again. Is that correct?

Mr. Orr: Madam Chair.

Chairman McDevitt: So we went out to bid for others to come in so that was not met. Is that-- am I interpreting what you said? I've put words in your mouth. I'm sorry. Go ahead.

Mr. Orr: Madam Chair, Members of the Board, there are actually a couple of different issues there. Right of first refusal in this context I believe, if it existed, would operate in such a way that Mr. Angell could meet any competing bids and have the right to be awarded the contract as long as he met all the terms under the other bids or proposals. So that would be how it would operate if that right existed. The question in my mind, I believe here is, whether or not that right exists in the first place. This language creates some preconditions that have to be satisfied before the right exists. Specifically, meet all the terms of the agreement, and no problem areas were discovered. As I read this paragraph, either of those two conditions are not satisfied, there is no right of first refusal, it simply do was not exist. And if I-- my language didn't communicate that, I'm sorry. I was trying to be clear. I guess I wasn't.

Board Member Klatt: Madam Chair? I'm a little-- I hate assumptions. Would the charges that were filed be construed to be a problem area? I mean-- is that-- that was never officially notified. I mean-- is that what we would base-- there would be not right of first refusal because we have identified a problem area.

Mr. Orr: Madam Chair, Members of the Board, I'm not sure I understand the question but I think the question is does this charge constitute a problem area.

Board Member Klatt: Right, which then the problem area would then negate-- if in the fact-- the right of first refusal existed, it would negate the right of first refusal.

Mr. Orr: Madam Chair, Members of the Board, yes, if a problem area exists, that's right. It wouldn't negate the first right of refusal, it simply wouldn't exist. There has to be no problem areas before the right even exists. Negated in my mind implies that it is already there. It's not there yet. If there's a problem area, it has never arisen.

Board Member Klatt: Ok.

Mr. Orr: In terms of what constitute a problem area, the agreement does not define that term problem area. So I think the way a court would interpret it, it would be it's most natural and reasonable interpretation every day usage.

Board Member Williams: And it certainly wouldn't be unreasonable to assume that a charge could be considered a problem area.

Mr. Orr: In my opinion, it would not be unreasonable at all. That would be natural and reasonable reading of the language to interpret the charge or the events, underlying events, constituting a problem there.

Board Member Williams: Let me summarize then, if I can for the Board, according to our attorney, Halo Outfitters does not have a right of first refusal in this case because it never came into existence because they didn't meet the terms of that. So in the absence of that right of first existing, the Board or staff initially is in the position now of comparing two proposals and deciding which one is better.

Mr. Orr: Madam Chair, Members of the Board, yes that is my interpretation.

Board Member Williams: Thank you.

Mr. Angell: Madam Chairman, may I address the Board?

Chairman McDevitt: Very shortly. Make it short.

Mr. Angell: This very well may be true. What he is saying-- may very well-- may be true. Had the Parks and Recreation held to their October first deadline that was given to me that the decision would be made. Had this October 1st deadline been adhered to, I would not had invested in the thousands and thousands of dollars that I have invested in on the same assumption I have had in years past, that I would I have the first right of refusal. I was never told that I would not have-- there was never-- there was never a time that was said that there was a problem area. There was never-- I was aware of that. Yes. I was never officially told there was a problem area. Never. Ok, with that in mind, we went ahead and bid like we have every year before. We went through and pursued all the things that you do to keep an organization like ours going.

Chairman McDevitt: I understand all that. The problem is this. On any lease that comes before the Board and no lease can be given until the Board approves or does not. And when it went out to public bid that should have put in your mind, a hold on or a very big question on going ahead and doing a lot of things. I understand your business problems but that is not our problem.

Mr. Angell: Madam Chair?

Chairman McDevitt: And we cannot solve your problems on this. We have to go on the proposals.

Mr. Angell: Madam Chair?

Chairman McDevitt: Yes?

Mr. Angell: I specifically asked Keith Murray, who is the department head at Harriman State Park if I had first rights as if stated in the information. He assured me yes, I would have first right of refusal or acceptance and I could match the next highest bid. I was given that verbal assurance by Mr. Murray-- Keith. Keith gave me that assurance.

Chairman McDevitt: Keith Hobbs

Mr. Angell: Hobbs, I'm sorry. Mr. Murray was the Keith that died in the landslide up there. I mean avalanche. I'm sorry. So therefore, I was given by an employee of Idaho Parks and Recreation-- I was given verbal assurance that I would have the first right to accept or decline the next-- whatever the agreement the park presented to me. I was told that I would have that right. And at that point, that is when I proceeded to make all the necessary preparations to run another year's operation like we have for the previous eighteen years.

Chairman McDevitt: OK. Any discussion from the Board?

Board Member Williams: Madam Chairman, you know-- in my mind, what we are here to do is analyze two proposals. But I am concerned when employees of our organization are making representations like this. Now Keith isn't here to defend what he said or what he didn't say. So that puts us in a practically difficult situation, I think.

Chairman McDevitt: And when he said it.

Board Member Williams: And when he said it.

Chairman McDevitt: Yes. So yeah--

Board Member Klatt: And Madam Chair--

Chairman McDevitt: Mr. Klatt--

Board Member Klatt: I have real empathy having operated my own small businesses for most of my adult life. I have real empathy for the position that Mr. Angell is in, having geared up for a fare amount of expense for another season. A question I might pose to Michael-- is it even within our prevue to consider granting a one year extension of a concession as a means-- and then-- one year only and the terms of-- I guess in the clearest terms I can say, can we offer the Angells a one year extension of what they got, based on representations or misrepresentation that may or may not have been made and accept this proposal with a delay of one year that would take affect-- which would give the Littles a year to gear up for what they would have next year and a year for the Angells to recover for what they have invested this year? Is that even a legal possibility?

Mr. Orr: Madam Chair, Members of Board, I'll give you to start with, the usual lawyer's answer, I'd have to look into that.

Board Member Lombard: The legal answer--

Director Meinen: Protecting himself here--

Mr. Orr: Moving on from that, just standing here, an extension not provided for in the terms of this contract. My recollection of the applicable statutes raises some doubts in to my mind that the Board has the authority to extend a contract on that basis. I also have doubts that given that the proposal has been sent out and, bid or solicitation or whatever the term was, has been sent out and the proposal has been received, that the Board can make such a change in course. At this point, I have a lot doubts about the course of action.

Chairman McDevitt: I do too-- Mr. Meinen?

Board Member Williams: I'm sorry. May I just ask a question. But for some reason, Michael, I believe in my mind, we are allowed to reject all bids if we so chose, if we feel for some reason that we want to take into our discussion to do that. Is that not true that we can reject all bids received on a proposal?

Mr. Orr: Madam Chair, Members of the Board. I, again, just standing here, I believe that you have that option. I believe you have that authority to reject all bids or all proposals.

Chairman McDevitt: But I think if we reject all bids, then we have to have a good reason for rejecting all bids. There's something more that we want that we didn't even put in the bid proposal. You know, I think that's a problem.

Board Member Williams: And I'm just wondering if that justification could be that miscommunication made by Park staff could give us grounds to dismiss all bids and in which case we could then chose to renew the contract for one year. I'm just thinking about options, that's all. That's not what I'm saying that's what we are going to do, I'm just thinking ahead to what Mr. Klatt was proposing and a way to get there.

Chairman McDevitt: I'm assuming that Garth, when he put the bids out, that the language of the bid and that was clear of what was wanted.

Board Member Rice: Madam Chair, could we talk about the timeline of this entire process just to help us put things together? I don't know who's the best to answer that.

Board Member Lombard: Dean nodded.

Board Member Rice: Ok Dean, you nodded first.

Board Member Lombard: It might have been a mistake..

Mr. Sangrey: Madam Chair. Not at all, Board Member Lombard and Board Member Rice. Before I answer, may I have just a moment with our counsel? Seriously, may I take a moment?

Mr. Taylor: Madam Chair, Members of the Board, I think I heard two questions on the timeline. Timeline of the actual proposal going out to bid--

Board Member Rice: The entire process--

Mr. Taylor: And timeline of the incident.

Board Member Rice: The entire process.

Mr. Taylor: When we perceived that the thing was going to expire in December and so we went out to bid on August 31st and the proposals were due back on September 30th.

Board Member Williams: And they were both received by the 30th?

Mr. Taylor: Yes.

Board Member Williams: They were, ok. Did the letter state--did the bid state that this was a competitive bid process?

Mr. Taylor: Yes.

Chairman McDevitt: Ok, Mr. Sangrey?

Mr. Sangrey: Thank you Madam Chair, Members of the Board, I didn't hear what Garth just shared with you.

Chairman McDevitt: He shared the date that the bid went out and time when they had to be back in.

Mr. Angell: Can I have Garth expand on that, please?

Board Member Rice: The bids were received October 1st.

Mr. Taylor: September 30th, they were due.

Board Member Rice: I'm sorry. If they were received by September 30th. You had some sort of committee that reviewed criteria of the bids. I mean, that instrument had been set up as part of your preparation for this. Is that correct?

Mr. Taylor: Yes.

Board Member Rice: And the, beginning on or about early October your committee reviewed the two submitted bids. Is that correct?

Mr. Taylor: I can't remember the specific dates that we sat down and--

Board Member Rice: I mean that was the next part of the process?

Mr. Taylor: Yes.

Board Member Rice: And you had said that based on this pre-established criteria that it was set early on and I don't want to put words in your mouth so-- but based on that pre-established criteria, your committee went through and assigned points and your recommendation is based on the number of points received in those proposals?

Mr. Taylor: Madam Chair, Members of the Board, yes.

Board Member Williams: When did that notification go out of the award of the bid or the--

Mr. Taylor: That's why we are here today.

Board Member Williams: Oh, I see.

Chairman McDevitt: It has not gone out. It has not been awarded. We award it.

Director Meinen: I think, Madam Chair, Members of the Board-- I think there is, a maybe not--a real desirable but there's even an additional option on the Board and I-- hopefully, Michael doesn't kick me in the backside. I would raise the issue that we were very clear on our process. We had very clear time lines on which the notification to Mr. Angell was we were going to proceed with a competitive bid process. As far as I know, both of the bidders submitted their best bids and they submitted them in a timely basis. They were accepted and reviewed by a group through the criteria. The recommendation had been formed by that group and submitted to you, the Board, for your consideration. No matter what route you go down, there are legal implications. The other bidders have had probably had an investment in cost and issues also. And I'm not sure what the issue would be with what a park manager says about a contract. My view is they are supposed to administer the contract with the words that are in there and not make representation of that contract from a legal point of view. And I would suggest that those types of things are for attorneys and other people higher up in the chain of command to make the decisions on representation. So one route to go is to go and accept staff's recommendation. If the people who don't get it feel that they have been mislead then that will cause potential legal action and we will have go through that. But I do think that we got an issue where we need to make a decision and probably move on because we already have two parties out there looking at trying to prepare for business next year. I would also suggest this. I don't know this but maybe the other party has already made investments and prepared. So I think you have liability issues either way, depending on how you go but I would argue that the timing and the comment

made by a park manager on a legal issue and a contract may not be the sole final comment that needs to be made.

Mrs. Angell: Madam Chair?

Mr. Orr: Madam Chair, Members of the Board. While we are talking about liability, potential liability issues and options here, I would like to bring to your attention that should we, through whatever mechanism, decide to award the contract to Mr. Angell, the charge and the underlying events have put us on notice and should a legal action arise later in connection with these operations and concession, it would significantly increase the chances of damage awards against the state, especially on the negligence theory. Essentially, the charge of the underlying events increases our legal exposure should we chose to award the contract to Mr. Angell. We are on notice. The court will take that into account and opposing counsel would certainly make use of it.

Mrs. Angell: Madam Chairman, may I say something?

Chairman McDevitt: Mr. Sangrey has been waiting to make comment-- answer Mr. Rice's question.

Mr. Sangrey: Thank you Madam Chair, Members of the Board, if there is any continuing unresolved elements of Mr. Rice's original question, I would be glad to respond to those. I'd also make additional comment on what the Director just shared. In my opinion, and I believe would be shared by other staff and Michael, Mr. Orr, the dialogue that Park Manager Keith Hobbs had with Mr. Angell at one point at which Tom referenced just a little bit ago, was very appropriate and accurate and a timely discussion for Keith to have with Mr. Angell at that time--at that point in time. Because of the underlying issues and now, the clear understanding that the department has and the guidance that we are receiving from our counsel as well as information we have from the county prosecutor regarding the charges and a plea from Mr. Angell, that the has an additional impact, obviously.

Mrs. Angell: Madam Chairman of the Board, may I address the Board?

Chairman McDevitt: No, we're finished with our public comment for right now. Thank you. This is now the Board decision.

Board Member Williams: Madam Chair. I just want to make sure that our counsel advises us clearly on this issue. I still believe that awarding the contract today to Dry Ridge Outfitters is the right thing to do. My only concern is any liability we might have as a department about representations that were made by our park manager. If you can advise us that those are not germane to this decision and that those can be dealt with separately, then I'm willing to move forward. If your recommendation is that we table this and look into those, then we'll look into those. But I would like to have some advice from you on what to do.

Mr. Orr: Madam Chair, Members of the Board, I'll try to address it as best I can. The park mangers representations, I think Mr. Sangrey had a good point, that can be construed as legal advise or making a legal conclusion. It can be beyond his scope of authority or expertise. The counter going argument should this matter go into litigation or something like that, would be that while we that right to rely it. In the end, there's probably not a bright line rule I can gave you on that. The issue could go either way in court. In my opinion, there is a greater risk for awarding the contract when we are on notice of a legal liability due to previous charge of underlying events. If we were sued under something like a negligence theory in connection with any thing that may arise with the future operation of the concession, it would be very difficult for us to prevail because we were on notice because of the problem there and yet we award the contract. In my opinion, that is the greater risk. I don't see any path here that is completely free of risk.

Chairman McDevitt: Ok, Mr. Klatt did you have a comment earlier or was it answered?

Board Member Klatt: It comes back to the same thing. I guess I'm troubled by-- somehow it doesn't either...Mr. Angell did not ask for clarification on the proposals or we did not show-- I mean, knowing that some has to gear up to prepare for the season ahead, I'll accept his statement as legitimate for expenses incurred. Having been in business most of my life, I understand the responsibilities for business decisions always rest with the business

person. Mr. Angell should confirmed that he really was in the position before he incurred the expenses. The true bottom line of business.

Mr. Angell: I did.

Board Member Klatt: And I'm troubled by that. Did we as a park make any effort to notify the applicants of how those two-- the criteria-- when the-- when the proposal were evaluated, was there an effort to notify, were there inquiries on how the two proposals stacked up. And I mean-- those-- it's just troubling for me to-- to see us-- to see us hang— leave some body hanging out to dry. Even though the bottom line the expense always rest with the business owner.

Director Meinen: Madam Chair, Members of the Board.

Chairman McDevitt: Mr. Meinen.

Director Meinen: You know another option is, and I'm not saying it's a good option, but I'm just trying to put out options for you to consider, is-- is to defer, for a short period of time, a decision on this and allow us to go back and go through the process and verify and determine when those comments were made, how it was made, in what context it was made and then have our legal counsel evaluate that from that standpoint and then we could call a special Board meeting to make a final Board decision on this. I think-- I think there are-- I think the Board-- it is complicated enough that the Board could take a period of time, take a deep breath and get that advise and get a better picture of the legal side and then make a more informed decision. If you want to try that as an option also-- that is an option. I know that elongated this along puts both of them at risk in sense of their commitment--

Chairman McDevitt: Other commitments, yeah

Board Member Lombard: Yeah.

Director Meinen: And we haven't actually heard from the Littles either.

Chairman McDevitt: I know.

Director Meinen: There are other options on the table. I think there are options that can talk about settlements too. So I mean, I think there are things out there that-- that we can put on the table to discuss. But, I do think we tried to follow to process that is laid out by law. We tried to follow the process as far as bidding. I think we had made communications to the Angells and if you chose to make a decision today, then we go down that path but that's a-- there are some options out there.

Chairman McDevitt: Mr. Lombard?

Board Member Lombard: I haven't weighed in on this yet. This is unfortunate, no matter how do this thing in a way. I don't know how we got here exactly. But I think for us to drag it out beyond today is a disservice to everybody. I think we need to make a decision and move on, and, you know, if we get into a legal thing then that's why we've got an attorney and he needs to earn his keep so-- I just feel we can't really drag this out, you know, any further. I don't know if there is any further discussion.

Mr. Lombard called for the question. Mr. Angell said Madam Chair? Chair said the question has been called. Board Member Williams said that the question has been called for. The Chair asked for the vote. Mr. Angell said that he rose to the point of order. Chair told Mr. Angel no, the board had a motion on the floor and they were voting. Mr. Angell said that he rose to the point of order. Chair denied it. Chair asked that all in favor of the motion before the Board signify by saying aye. Board Members said aye. Chair said that she voted aye. Any opposed? The motion has been passed. The award has been given to Dry Creek Outfitters. Board Member Williams asked the Chair how did Mr. Klatt vote. Board Member Klatt said that he thought—he had no reason-- Chair said quietly. Board Member Klatt said that he had to vote against it. Chair said ok, one abstain, or one against. Board Member Klatt said yes. Chair said that Mr. Klatt voted against. Ms. Johns asked for a roll call. Chair said that we'll do a roll call. Mr. Rice-aye, Lombard-aye, Klatt-nay, Williams-aye, Chair-aye. Chair said congratulations to the Dry Creek Outfitters. Mrs. Angell asked if she could address. Chair said address. Mrs. Angell said that she was not sure how all this works. She said that you know, we were invited to put a bid in on the proposal at Harriman State Park. We did it in good faith. I understand that Mr. Angell has fought for his life the best he could. We know the road you are going down. Like I said, we did put a bid in for this business in

good faith and the Board has spoken and we stand by their decision. Ms. Little said and you know, I don't think we would be closed minded to your proposal from the stand, you know, that we would have a year's extension of the contract--all of this stuff is kind of-- anyway, I just wanted to say that. That he has--I know what kind expenses this man incurred having an outfitting business and I thought that that this was a fairly reasonable idea. Chair said that that is something that she could work out with him. And then he could become your employee or then he could become your employer or whatever but the Chair just thought that within the lease the Board can only award it to one outfitter and the Chair thought the Board has to stick with that minutes. Yours--Board Member Klatt said but that that discussion could be had and that Ms. Little make sure she involved Garth and he was sure Garth will involve the appropriate chain of command, as Bob referred to it, so that it is legal but if there's a way to do that—Mr. Klatt said he hated to see small operators get hung out to dry with expenses because there is not much margin of error in small operations so—Chair said so Ms. Little be sure to talk to Mr. Taylor and Garth Taylor there, our regional manager for that and--Board Member Rice said and thank you. That's a very gracious gesture on your part and we appreciate that.

9:30 a.m. FY 2006 2nd Quarter Financial Statement

Ms. Wright discussed FY 2006 2nd Quarter appropriations related to expenditures by Division and the cash position of some of the agency's dedicated funds at the end of 2nd quarter and asked the Board to adopt the staff recommendations as presented.

Discussion followed.

9:47 a.m. Mr. Klatt moved that the Board follow staff's recommendation and accept and approve the FY 2006 2nd report. Mr. Lombard seconded the motion. Chair asked for further discussion. Mr. Lombard called for the question. Chair asked that all in favor say aye. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

9:48 a.m. Lake Cascade State Park Small Concession Agreement

Mr. Frost introduced Scott Turlington from Tamarack Resort to the Board and discussed the extension of Tamarack's current small concession permit at Poison Creek. Mr. Frost asked that the Board waive their policy that limits a small concession to \$10,000 in gross sales for Tamarack Resort until the Department and the BOR were ready to move forward with a large concession permit.

9:53 a.m. Mr. Williams moved to accept staff recommendation to waive our policy that limits a small concession to \$10,000 in gross sales for Tamarack Resort with the proviso that the fee be increased to 5%. Mr. Lombard seconded the motion. Chair called for discussion. Mr. Lombard called for the question. Chair asked that all in favor say aye. All members voted in the affirmative. The Chair voted aye. The motion was passed unanimously.

9:57 a.m. Year-to-Date Revenue Comparison

Ms. Wright said that the revenue report was for the Board's information only. This report is a follow up that included the months through December. Activity generated through October, November and December was sparse. Mr. Klatt asked that Heyburn State Park cabins rental income be reflected in the report keeping consistent with the reporting of other state park cabin income.

Director Meinen reminded the Board that by Board directive the receipts from the Heyburn cabins are to be set aside for repurchase of additional cabins in the future which is why the income dollars were placed in a different fund.

Mr. Rice asked Mr. White to share information about the Idaho cruise boat at Heyburn State Park. Mr. White asked the Board to keep in mind that when the agency bought the cruise boat, it was for interpretive purposes. He said the focus for the cruise boat is to make it as profitable as possible. Originally, the boat was used for interpretive cruises but attendance was low. Staff introduced interpretive cruises with themes, which turned out more profitable. In addition, lunch and dinner cruises

were available but, once again, the cruises were not consistent. With respect to the last year, the cruise boat was rented out to Templin's Resort. Mr. White said that more accurate numbers reflecting costs were needed. Mr. White asked that he be able to come back to the next Board meeting with an overview of the profit-loss margins of the cruise boat as well as what future plans are being contemplated. Mr. White said that it is becoming evident that renting out as a party boat for weddings is strong possibility. Chair asked for expanded advertising of the boat on the IDPR website.

Discussion followed.

Ms. Wernex said that in planning for the 100th birthday for Heyburn State Park, she had been engaged with Commerce and Tourism about a media familiarization tour in 2007 to get media exposure for the area. She said that the cruise is now being planned with media from throughout the nation.

Discussion followed regarding Heyburn State Park's 100th anniversary.

Director Meinen said that staff would present a skeleton outline of the events planned for Heyburn's 100th anniversary for the May Board meeting. Mr. Klatt said that he would be happy to volunteer to be a Board liaison for the process. Mr. Rice said that his perception is that the Board is very interested in pursuing a 100th year celebration. Director Meinen said that he wanted to be sure to keep the Board informed of the progress for the event.

10:25 a.m. Review of 30% Cap on WIF for Counties

Mr. Klatt said that this item was placed on the agenda per his request and that it be an action item. He said that there is concern in Kootenai County (*see Attachment 2*). Mr. Klatt asked that the Board think about when there is an agency request for a significant grant, i.e. 10% of total waterways fund in any county in any given year which the Board can impose a bubble in that specific county which will allow the maximum of the county for one year to go up in relationship to agency request and then it would drop back off in the next year. It would simply be something that would reflect a one-year application for counties such as Kootenai County. BLM had huge impact over the course of the last couple of years on grants. He suggested that the Board would probably run into it with Valley County, Bonner County as well as Kootenai County. Mr. Klatt said that this might be a way to resolve the issue and still have locals stay in place with their projects.

Discussion followed.

10:56 a.m. Mr. Williams moved to direct staff to pursue an IDAPA rule change to eliminate IDPR sponsored projects from the 30% cap. Mr. Klatt asked to broaden the motion to be IDPR and agency impacts to the 30% rule so that the Board is saying that they are going to come up with something and they are going to do it in IDAPA calendar that staff needs to follow. The Board does not know what that's going to be and are going to be working on some options. Mr. Williams amended the motion to direct staff to prepare IDAPA Rule amendments to address this issue. The Board will consider those alternatives when presented by staff and Board members can work with staff to suggest what limits on outside agencies would be appropriate. The Board does not have that information at their fingertips. Mr. Williams asked the Board if that would be helpful. Mr. Klatt seconded the motion. Mr. Rice asked that the motion be repeated. Mr. William said this motion was to direct staff to prepare IDAPA Rule amendment alternatives for Board consideration to address the issue of the 30 % cap on county money. So, the Board is not taking any action on what they are going to do. They are just directing staff. Director Meinen said basically the key he heard from Mr. Williams is that staff is to provide the Board with options for consideration and that he thinks its clear and he thinks staff can do that and staff can do it by the May meeting. To try that process and then if in that process, we can—it would line it up to be able to meet our IDAPA rule process. Chair called for further discussion. Mr. Rice said he thought he heard two different things. He said when you lay out options, do nothing is always an option. Mr. Rice asked if Mr. Williams saw that as counter to his motion. Mr. Williams said no not at all. Mr. Rice said as long as that is implied in the motion then he would support the motion. Chair said to Mr. Klatt

that the Board could assume that Mr. Klatt would talk to Kootenai County Water Ways and tell them that the Board is studying this and it might be a year to two years before it will actually hit the grant cycle, if the Board does anything. Mr. Klatt called for the question. The Chair asked all in favor of the motion say aye. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

11:05 a.m. Mr. Klatt asked if he could introduce an item that is not an action item but does fit within the waterways and boats. A northern legislator who is working quite hard on Eurasian Water Milfoil issue this year is trying to find emergency funding in the legislature and may do so to address the endemic in the state of Idaho and proliferation of Eurasian Water Milfoil which is going to end up being catastrophic detrimental to Idaho's water system. He said that not only is the issue critical now for emergency funding and corrective action taken immediately but also for sustained effort. Mr. Klatt continued that he would suggest to the Board that they think about a five-year Milfoil stamp program for boat registration that was mandatory for every vessel on the water including non-motorized vessel. This would contain a 5-year sunset clause. Mr. Klatt envisioned that IDPR would collect the money outside the cost of printing the stamps and then the money would go to the Department of Agriculture for distribution to Milfoil eradication across the state of Idaho. Mr. Klatt said he believed that this was a way to have lasting milfoil funding if the legislature chooses to put emergency funds into the program.

11:15 a.m. Mr. William moved to adjourn. Mr. Lombard seconded the motion. Chair called for the vote. All members voted in the affirmative. The Chair voted aye. The motion passed unanimously.

Jean McDevitt, Chairman
Idaho Park and Recreation Board

Robert L. Meinen, Director
and Ex-Officio Member of the Board

ATTACHMENT #1

ATTACHMENT #2

* D * R * A * F * T *

January 10, 2006

Jean McDevitt
Chairman, Idaho Department of Parks and Recreation Board
1865 Sunset Way
Pocatello, ID 83201

Dear Ms. McDevitt:

The Kootenai County Waterways Board has concerns with the Waterways Improvement Fund (WIF) program and how the funds are allocated throughout the state. The state estimates that 1.28% of the gas tax is attributable to boaters. These funds are returned to the boaters by placing 66% of these funds in the WIF program. An additional 33% goes directly to the Idaho Department of Parks and Recreation (IDPR) Recreation Capital Improvement Account, with the remaining 1% going to Search and Rescue. In addition, IDPR may take an additional 20% of the WIF account for administrative expenses. The balance remaining in the WIF account is available to Idaho counties and other state, federal, and local agencies through competitive grants. While we do not necessarily agree with the assignment of these funds we do agree that this is the result of legislative action and thus it is Public Policy.

IDPR along with the counties, any other state or federal agency, political subdivision, and tribal agency within the State of Idaho may submit proposals for grants from the WIF Program, which historically amounts to a little over one million dollars annually. The WIF Advisory Committee evaluates these proposals and makes funding recommendations to the IDPR Board for funding the various grant proposals. There are always more requests for money than funds available, and the recommendations are listed in a priority order, meaning the highest-ranking projects get funded down the list until the point when the funding is exhausted.

The only exception to the above funding outline is an IDPR Board rule that no county may receive more than 30% of the funds in the total pool. This rule is inclusive of all the WIF grant proposals submitted in a county, regardless of which agencies are applying. So, projects of IDPR, the federal government, tribes, or anyone else would count toward this 30% limit. This means projects that score well above the funding cutoff level, may not be funded because of the 30% limit.

The Kootenai County Waterways Advisory Board has three problems with this process:

1. IDPR is granted 33% of the gas tax money for their projects. It does not seem appropriate that IDPR can also apply for and get monies from what is set aside for WIF Grants.
2. The rating structure for WIF Grants gives much emphasis to matching funds. Those with a high match will score considerably higher than those who don't. IDPR can use gas tax money from their Capital Improvement Fund as a match to get gas tax money from the WIF pool. This also doesn't seem appropriate.
3. IDPR WIF Grants count against the counties as a part of the 30% rule of the IDPR Board. This, to us, is grossly unfair.

For these reasons we are not approving the IDPR WIF grant proposal for replacement of docks at Eagle Marina on Lake Pend Oreille. The reason for this denial is due to the fact that this grant proposal could eliminate a County grant proposal that could score high enough to be funded, if not for the 30% rule. However, if the Eagle Marina dock replacement proposal does not hurt the County due to the fact the 30% rule has no effect, or because the IDPR Board eliminates or modifies the 30% rule, we then approve this much needed and worthy project.

IDPR is also submitting a WIF grant proposal for dock replacement at Higgins Point on Lake Coeur d'Alene. In this case they are using WIF funds to leverage federal funds by using the WIF funds as a match. Although this could also hurt the County due to the 30% rule, we are approving this grant. Our rationale is merely that a denial of this grant could loose the federal dollars to some other state, and this would not be in the best interest of Idaho boaters. Therefore, we are treating these two WIF grant proposals differently.

This action should in no way be interpreted as some kind of slam at IDPR, their staff, or the quality of service they provide the boaters of Kootenai County. This action is aimed directly at what we feel is an extremely unfair rule, the 30% limit on counties, which include all projects in the county, no matter whose project it may be.

We think the concept of IDPR having the opportunity to dip several times into the gas tax money should be looked at by the IDPR Board, with an eye to fairness to all. We would also ask you to examine and reconsider the practice of using gas tax money as a match to get a WIF Grant, which is gas tax money.

Finally, we strongly urge you to eliminate the 30% rule or to modify it significantly. If the rule would apply only to county projects, with the possible inclusion of city projects, we could probably live with it. If further restrictions are necessary, we would suggest that other organizations – state (including IDPR), federal, and tribes - be lumped together into a statewide pool and the 30% rule be applied to that pool.

We hope you would act on this rule prior to the consideration of the WIF Grants by the WIF Advisory Committee. Elimination or modification of the rule would mean the IDPR Project for Eagle Marina could be considered by the Advisory Board for funding. This is a much needed project and we hope it will be able to be considered, but not at the expense of high scoring county projects.

Sincerely,

Jim Aucutt, Chairman
Kootenai County Waterways Board

CC: Steve Klatt
Randall Rice
Ernest Lombard
Latham Williams
Douglas Hancey

ATTACHMENT #1

OPE. 5:02, 03 DOCUMENTATION OF BOARD-APPROVED FEES - Statewide fees go through the IDAPA process where maximum fee levels are proposed by the Board and approved by the Legislature. The Board sets the actual Board approved fees that will be charged all park units. Park specific facility use fees will be set by the Board and posted in the parks. All fees listed in IDAPA Rule 26.01.20.225.02 are maximum fees, unless otherwise stated.

The Board Policy Fee Tables are as follows:

BOARD POLICY FEE TABLES
STATEWIDE FEES

IDAPA RULE #		<u>IDAPA Approved Maximum Fee</u>	<u>IDAPA Proposed Fee Changes</u>	<u>Current Board Approved Fee</u>	<u>Proposed Board Fee Changes</u>
Chapter 20	<u>Campsites</u>				
225.06	<u>Fee Collection Surcharge</u>	\$5.00		\$5.00	
225.07	<u>Admission Fee for Educational Opportunity</u>	\$10.00/person		Maximum \$10.00/person	
250.01	<u>Campsites</u>				
	Primitive Campsite	\$7.00/day	\$9.00	\$7.00/day	
	Campsite	\$9.00/day	\$12.00	\$9.00/day	
	Campsite/W	\$12.00/day	\$16.00	\$12.00/day	
	Campsite/E	\$12.00/day	\$16.00	\$12.00/day	
	Campsite/W, E	Add'l \$4.00/day	\$20.00	Add'l \$4.00/day	
	Campsite/W, E, SWR	Add'l \$2.00/day	\$22.00	Add'l \$2.00/day	
	Companion Campsite	\$22.00/day	Site type multiplied by two (2)	\$22.00/day	
	Use of Campground Showers by Non Campers	\$3.00/person		\$3.00/person	
	Limited Income Discount	\$4.00/day		\$4.00/day	
	Resident 100% Service-related Disabled Idaho Veterans Fee	Waived		Waived	

BOARD POLICY FEE TABLES
STATEWIDE FEES

IDAPA RULE #		<u>IDAPA Approved Maximum Fee</u>	<u>IDAPA Proposed Fee Changes</u>	<u>Current Board Approved Fee</u>	<u>Proposed Board Fee Changes</u>
250.01	Senior Citizen Discount – Pursuant to Section 67-4223, Idaho Code, and at the discretion of the Director, IDPR may provide, at selected under utilized locations and times, a senior citizen discount.	Maximum 50% of RV camping fee		Maximum 50% of RV camping fee	
	<u>Extra Vehicle Charge</u>	\$5.00	\$7.00	\$0.00/day	<u>\$5.00</u>
	<u>Camping Cabins, and Yurts</u>				
	Camping Cabins, and Yurts	\$72.00	\$150.00	\$35.00	Maximum \$150.00
	Deluxe Cabins (Bath, Kitchen, Multi-Room)		\$150.00		Maximum \$150.00
	Each additional person above the sleeping capacity of the facility	\$12.00/night		\$12.00/night	
250.02	<u>Individual Campsite Reservation Service Fees</u>				
	Reservation Fee (Waived for campers with a current Idaho RV registration sticker)	\$6.00/site	\$10.00	\$10.00/site	
	Modification Fee	\$10.00/site		\$10.00/site	
	Cancellation Fee	\$10.00/site		\$10.00/site	
	<u>Day Use Fees</u>				
	Annual Charge per Motorized Vehicle	\$35.00		\$25.00	
250.03	Second Vehicle	\$ 5.00		\$ 5.00	
	Daily Charge per Motorized Vehicle	\$ 5.00/day		\$ 4.00/day	
	Resident 100% Service-related Disabled Idaho Veterans Fee	Waived		Waived	
250.05	<u>Group Facility Fees</u>				
	Reservation Service Fee	\$25.00		\$25.00	
	Group Facility Overnight Per Person Fee	\$3.00/person		\$3.00/day	

BOARD POLICY FEE TABLES
STATEWIDE FEES

IDAPA RULE #		<u>IDAPA Approved Maximum Fee</u>	<u>IDAPA Proposed Fee Changes</u>	<u>Current Board Approved Fee</u>	<u>Proposed Board Fee Changes</u>
250.05	Cleaning/damage Deposit				<u>Maximum \$275.00</u>
250.06	<u>Boating Facilities</u>				
	Vessel Launching (per vessel, per day)	\$5.00/day		\$4.00/day	
	Overnight Moorage - applicable to persons registered to camp	\$5.00/night		\$5.00/night	
	Overnight Moorage (persons camping on vessel)				
	Any length vessel	\$8.00/night		\$8.00/night	
	Any length vessel moored at buoy	\$5.00/night		\$5.00/night	
250.10	<u>Premium Nordic Ski Grooming Program Fee</u> (Required in addition to Day Use Fees at Board Approved Sites)				
	Per person/day	\$4.00/person		\$2.00/person	
	Per family/year	\$35.00		\$25.00	
	<u>Harriman/Ponderosa</u>				
	Approved Premium Nordic Ski Grooming Program Sites				
	<u>Park N' Ski Parking Permit</u>				
	Annual	\$30.00		\$25.00	
	Temporary (three [3] consecutive days)	\$10.00		\$7.50	

PARK SPECIFIC FEES

	<u>IDAPA Approved Maximum Fee</u>	<u>IDAPA Proposed Fee Changes</u>	<u>Current Board Approved Fee</u>	<u>Proposed Board Fee Changes</u>
<u>Billingsley Creek State Park</u>				
Garden Center	N/A	N/A	\$100.00/day	
Indoor Riding Arena			\$100.00/day	
<u>Farragut State Park</u>	N/A	N/A		
Thimbleberry			\$90.00	<u>\$120.00</u>
Buttonhook-Larch			\$70.00	<u>\$90.00</u>
Buttonhook-Oceanspray			\$90.00	<u>\$120.00</u>
Buttonhook - Saw-whet			\$50.00	<u>\$60.00</u>
Cleaning/Damage Deposit			\$100.00	
<u>Harriman State Park</u>	N/A	N/A		
Dormitory and Cookhouse (fifteen (15) person minimum, forty (40) person maximum)			\$12.00/person /night	
Cleaning/Damage Deposit			\$150.00	
Boys House (Meeting Facility) Maximum-capacity seventy (70) persons				
Up to four (4) hours			\$50.00	
Full day – eight (8) hours			\$80.00	
Ranch Manager's House – Minimum of four (4) persons			\$190.00/night	
Additional per person overnight charge			\$12.00/night	
Maximum capacity – eight (8) persons				
Cattle Foreman's House – Minimum of four (4) persons			\$140.00/night	
Additional per person overnight charge			\$12.00/night	
Maximum capacity – six (6) persons				
<u>Priest Lake State Park</u>	N/A	N/A		

PARK SPECIFIC FEES

	<u>IDAPA Approved Maximum Fee</u>	<u>IDAPA Proposed Fee Changes</u>	<u>Current Board Approved Fee</u>	<u>Proposed Board Fee Changes</u>
Lionhead Unit				
Group Camp (including kitchen and sleeping quarters)			\$200.00/day	
RV hookups (see fee schedule set by Subsection 250.01)				
<u>Schaffer Cabin</u>				<u>\$115.00</u>
<u>Cleaning/Damage Deposit</u>			<u>\$100.00</u>	
<u>Dworshak State Park</u>				
Three Meadows Group Camp	N/A	N/A		
Basic daily rate (includes lodge and two (2) sleeping cabins)			\$275.00	
Additional sleeping cabins			\$60.00/night	
Manager's Cabin rental			\$60.00/night	
<u>Cleaning/Damage deposit</u>			<u>\$275.00</u>	
Big Eddy Lodge	N/A	N/A		
Monday through Thursday			\$75.00/night	
Three (3) or more consecutive weekdays			\$50.00/nights	
Season Rates: May 15 through Sept. 1				
Three (3) consecutive days - Friday through Sunday			\$350.00	
Season Rates: Sept. 1 through May 15				
Friday through Sunday			\$150.00/night	
Three (3) consecutive days – Friday through Sunday			\$225.00	
<u>Cleaning/Damage deposit</u>			<u>\$200.00</u>	
<u>Heyburn State Park</u>	N/A	N/A		
Rentals of State-Owned Cottages				
Cottages with full utilities			\$115.00/night	

ATTACHMENT #2

*** D * R * A * F * T ***

January 10, 2006

Jean McDevitt
Chairman, Idaho Department of Parks and Recreation Board
1865 Sunset Way
Pocatello, ID 83201

Dear Ms. McDevitt:

The Kootenai County Waterways Board has concerns with the Waterways Improvement Fund (WIF) program and how the funds are allocated throughout the state. The state estimates that 1.28% of the gas tax is attributable to boaters. These funds are returned to the boaters by placing 66% of these funds in the WIF program. An additional 33% goes directly to the Idaho Department of Parks and Recreation (IDPR) Recreation Capital Improvement Account, with the remaining 1% going to Search and Rescue. In addition, IDPR may take an additional 20% of the WIF account for administrative expenses. The balance remaining in the WIF account is available to Idaho counties and other state, federal, and local agencies through competitive grants. While we do not necessarily agree with the assignment of these funds we do agree that this is the result of legislative action and thus it is Public Policy.

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Sincerely,

Jim Aucutt, Chairman
Kootenai County Waterways Board

CC: Steve Klatt
Randall Rice
Ernest Lombard
Latham Williams
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